



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

June 15, 2021

Via Emailed PDF

Meridith Moldenhauer c/o Cozen O'Connor
1200 19th Street NW
Washington, DC 20036

Re: 7428 Georgia Avenue NW- Square 2956, Lot 41 (the “Property”)

Dear Ms. Moldenhauer,

This letter is in reference to the PDRM meetings you and your client had virtually with my staff on May 7, 2021 (the “**May Meeting**”), regarding your client’s plans for a development at the Property (the “**Project**”). During the Meeting, my Staff confirmed the Project could be constructed as a matter of right so long it met the development standards for the MU-4 zone.

The Property is an existing Record Lot in the MU-4 Zone District and is approximately 18,570 sq. ft. in land area. A copy of the Zoning Map identifying the Property is attached at **Tab “A”**. The Property is not located in a Historic District.

The Property fronts on Georgia Avenue NW. To the south of the Property is the Shepherd Park Branch DC Public Library attached at **Tab “B”**. To the north of the Property are apartment buildings and commercial establishments. To the east of the Property across the Georgia Avenue is a McDonalds, Ledo Pizza and other commercial establishments. To the west of the Property is an R-2 zone comprised mostly of single family homes.

Your client plans to raze the existing structure and construct a new residential apartment development comprised of sixty-four (64) to sixty-six (66) dwelling units, along with a lobby, bike storage, fitness room, and club room for the residents (the “**Project**”). Anticipated concept plans for the Project were reviewed during the Meeting, and are attached here at **Tab “C”** (the “**Plans**”).

As shown, the Project satisfies the current zoning regulations, because it will be a five-story plus cellar residential development with sixty-four (64) to sixty-six (66) residential units, eight (8) parking spaces (including 1(or 2) car share spaces), and a loading berth and a service/delivery space.

In summary, based on the above, my office found the following:

The Project on the Property complies with the Zoning Regulations

1. Height

Subtitle G § 403.1 permits a building in MU-4 zone to have a maximum permitted height of fifty (50) feet and does not impose a maximum number of stories. Accordingly, the Project's proposed maximum 50-foot height would comply with Subtitle G § 403.1. *See **Tab C***, Sheet G101 and A 401. Pursuant to the rules of measurement for non-residential zones, the building height shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet. The Project has no parapet.

2. Floor-Area-Ratio ("FAR")

For the MU-4 zone, Subtitle G § 402.1 states that the total maximum FAR is 2.5, which increases to 3.0 with Inclusionary Zoning [IZ] compliance. With a land area of 18,570 sq. ft. the maximum gross floor area permitted with IZ¹ is 55,710 sq. ft. of gross floor area. The proposed Project has 55,702 sq. ft. of gross floor area ("GFA"), all of which is deemed to be residential FAR. *See* Subtitle B §§ 100.2; 304.2. Accordingly, the Project complies with the maximum FAR permitted in the MU-4 zone.

Furthermore, the Project's GFA is properly calculated in accordance with Subtitle B § 304, Rules of Measurement for Gross Floor Area. The Project is an attached building and thus the GFA of the cellar level is calculated by the "grade-plane method." *See* Subtitle B § 304.5.

The Plans show that 1,058 sq. ft of cellar area contributes to GFA. *See **Tab C***, Sheet G102. The sixty-three feet (63') of the basement that contributes to GFA corresponds to the portion that "is between the projected perpendicular line and the portions of the story five feet (5 ft.) or more below the finished floor of the ground floor" as shown in the Plans Sheet G101 and A401 East-West Section.

3. Lot Occupancy

Pursuant to Subtitle G § 404.1, the maximum lot occupancy for the MU-4 zone is 60%. The Project proposes a lot occupancy of 59% (10,947 sq. ft./18,570 sq. ft.). *See **Tab C***, Sheet G102. Accordingly, the Project complies with the maximum lot occupancy requirement.

4. Rear Yard

Pursuant to Subtitle G § 405.2, a rear yard of at least 15 feet is required. Accordingly, with a rear yard of 23'7", the Project satisfies the rear yard requirement under Subtitle G § 405.2.

¹ As outlined below the Project is providing mandatory affordable housing requirement that exceeds the requirements of Inclusionary Zoning as a result of financial subsidies funded by the Department of Housing and Community Development (DHCD); therefore the bonus density is provided.

5. Side Yards and Courts

In the MU-4 zone, “any portion of a building setback from the side lot line shall be considered a side yard and not a court.” *See* Subtitle G § 406.3. The Project proposes a *court* on its southern side, which will be treated as a side yard. Although side yards are not required for attached buildings in the MU-4 zone, if a side yard is provided, it must be at least two inches (2 in.) wide for each one foot (1 ft.) of height of buildings, but no less than five (5) feet. *See* Subtitle G § 406.1. For a building that is 50 feet in height, a side yard of 8.33 feet would be required. Here, the ‘side yard’ is 20’1” feet in width and, therefore, is compliant.

The Project includes two court niches along the side yards. The Zoning Regulations define a court niche as “an indentation, recess, or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley, or court.” Subtitle C § 1801.3 requires that “No portion of a court niche shall be farther than three feet (3 ft.) from a point where the court niche is less than three feet (3 ft.) wide.” Accordingly, the Project complies as no point of the court niche is less than three feet (3ft.), as shown in **Tab C** Sheet G101.

6. Vehicle Parking

For multiple residential dwelling units, the parking requirement is one vehicle parking space per three dwelling units in excess of four dwelling units. *See* Subtitle C § 701.5. Based on sixty-four (64) to sixty-six (66) residential units, the parking requirement would be twenty (20) or twenty (21) parking spaces. However, due to the Project’s proximity to the Metrobus Route 70, which is a *priority bus network*, the total number of vehicle parking spaces required would be reduced by 50%. *See* Subtitle C § 702.1(c)(1); a copy of a google map with distance to Metrobus Route 70 is attached at **Tab “D”**. Therefore, the Project would be required to provide a total of 10 vehicle spaces (or eleven (11) vehicle spaces).

As shown on the Plans, the Project will provide 8 vehicle parking spaces, with one (or two) dedicated to car share. *See* **Tab C**, Sheet G102 & A204. A car share space counts as 3 parking spaces so the result is that a total of 10 parking spaces (or eleven (11) vehicle space equivalents) will be provided. *See* Subtitle C §§ 701.11; 708.1; 708.2. Accordingly, the Project will comply with the parking requirement. Furthermore, in accordance with Subtitle C § 712.3, four of the eight parking spaces are full-sized parking spaces.

Planters are located along the parking area and thus screening is provided in accordance with Subtitle C§ 714.2 as shown on the Plans Sheet A201. Furthermore, the perimeter is compliant as retaining walls are located along the side property lines, as labeled on the Plans Sheet A201. Additionally, Subtitle C §§ 715 is not triggered for the Project.

7. Bicycle Parking

Pursuant to Subtitle C § 802.1, bicycle parking is required. For residential use, the maximum requirement is one space per three units (long term) and one space per 20 units

(short term). Accordingly, the Project would require 22 long-term bike spaces and 4 short-term bike spaces.

As depicted in the Plans, the Project will have a bicycle storage room on the cellar level. *See **Tab C***, Sheet A204. The required short-term bike spaces are shown with U-racks in the front yard next to the walkway. *See **Tab C***, Sheet CIV200. Accordingly, the Project will satisfy the bicycle parking requirements under Subtitle C § 802.1.

8. Loading

Pursuant to Subtitle C § 901.1, for more than fifty (50) dwelling units, one loading berth and one service and delivery spaces is required. The Project will have over fifty (50) units, which would require one loading berth and one service and delivery space. As depicted in the Plans, the Project will have one loading space and one service and delivery spaces in the rear yard. *See **Tab C***, Sheet A204. As such, the Project complies with its loading requirements.

9. Green Area Ratio (“GAR”)

Pursuant to Subtitle G § 407.1 and Subtitle C § 600, the required GAR for the MU-4 zone is 0.3. The Plans on the zoning chart set forth the Project will meet the GAR requirement. *See **Tab C***, Sheet G102.

10. Penthouse

Pursuant to Subtitle G § 403.3, the maximum permitted height of a penthouse shall be 12 feet above the roof, except that 15 feet shall be permitted for mechanical space. The maximum permitted number of stories for penthouse habitable space is one, but a second story is permitted for penthouse mechanical space. The penthouse will consist of only a stair and elevator override. The penthouse stair will be 9’8” within the penthouse permitted height, as shown on G101.

Further, the penthouse must be setback at a ratio of 1:1 from both the front and rear roof walls. The Project complies with the setback requirement as shown on Plan Sheet.A206. The penthouse stair will be setback over 16’10¹/₈” from the north side; 31’6⁷/₈” from the front of the building; and 30’7⁷/₈” from the south side building wall. Additionally, the Project proposes mechanical and solar panels on the penthouse roof; however these items will be less than four feet (4 ft.) in height above the roof and therefore pursuant to Subtitle C § 1500.2 shall be exempt from the penthouse screening requirements.

11. Use

The residential apartment use is permitted as a matter-of-right in the MU-4 zone.

12. Inclusionary Zoning

The project will be exempt from the IZ requirements pursuant to Subtitle C §1001.6. The development will be subject to a mandatory affordable housing requirement by the Department of Housing and Community Development (DHCD).

13. Conclusion

Based on the review of the attached Plans and attachments, and the discussion at the PDRM Meeting, my office confirms that the Project on the Property complies with the requirements of the MU-4 Zone District and may be permitted as a matter-of-right.

Accordingly, when the building permit application for the Project is processed, my office will approve drawings that are consistent with the Project Plans attached to this letter at **Tab "C"** and satisfy the applicable zoning regulations.

Please feel free to contact me if you have any questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachments: Tab "A": Property Zoning Map
Tab "B": Google Map
Tab "C": The Plans

Zoning Technician: David Vollin

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.